

Federal Communications Commission
Consumer Information Bureau, Disabilities Rights Office
445 12th Street, SW
Washington, DC 20554

To Federal Communications Commission:

I would like to submit Comments in support of revocation of the Statutory Exemption for Wireless Telephones.

In particular addressing the Hearing Aid Compatibility Act requirement for the Commission to determine that:

- (1) such revocation or limitation is in the public interest;
- (ii) continuation of the exemption without such revocation or limitation would have an adverse effect on hearing-impaired individuals;
- (iii) compliance with the Commission's Part 68 HAC requirements is technologically feasible for wireless telephones; and
- (iv) Compliance with the Commission's HAC requirements would not increase costs to such an extent that the wireless telephone could not be successfully marketed.

Point (i), public interest and point (ii), adverse effect on hearing-impaired individuals are very interrelated and can be addressed simultaneously, while acknowledging the future of communications is in a myriad of digital applications.

Consider this sampling of possible situations.

(1) What if an employed person develops a hearing loss and thus requires a hearing aid. Would the employee be able to perform at the same level of responsibility? Would this employee be able to travel comfortably and use their digital wireless phone while en route to the airport -- to find out about timeliness of airplane departure? Would this employee be able to make calls at the airport to change hotel reservations when a flight is canceled? -----The employee is at a disadvantage. It is not in the interest the employer, the hotel, the branch office, the airline, the limo driver at the destination city -- no one's interest is served when a hearing-impaired person cannot communicate.

(2) What about the fact that retirement age is being extended? Are seniors who are otherwise healthy and willing to work beyond retirement -- but who must use a hearing aid and wireless phones to be discriminated against? -----Not in the public's interest. There is potential for adverse effects on hearing-impaired persons.

(3) What about a family which takes a digital wireless phone into their car, in case of an emergency when they travel. Suppose one family member -- either husband or wife -- subsequently develops a need for a hearing aid. Is it in the interest of anyone in the event of an automotive emergency that the hearing impaired person is unable to use the phone? Or, should the hearing aid user now be forced to down grade to an analog phone? It is cumbersome to

travel with duplicate equipment. It is expensive to require duplicate equipment.

-----It is in no one's interest when a person using a hearing aid cannot use a

digital wireless phone. Hearing aid users are adversely impacted -- financially -- if subsequent to purchasing hearing aids (usually costing thousands of dollars)

they are then required to make additional financial expenditures for alternatives to their digital wireless phone.

(4) What about a household with a hearing-impaired member where there are budgetary, monetary restraints. As they look forward to purchase of their first wireless phone are they restricted to analog to accommodate needs of the person with hearing loss. Thus depriving themselves of the benefits of the latest digital technology. Is there a potential for resentment against the hearing impaired person

because his or her special needs dominate the decision process when the family can afford only one phone.

-----No interest is served. Potential for adverse feelings towards hearing-impaired family member.

To summarize briefly on points (i) and (ii)--

There is most certainly no other answer to criteria stated in (i) and (ii) above,

except that revocation of the exemption is in the public interest. And without revocation of the exemption there is the potential for adverse impact on hearing-impaired persons.

The following is with regard to points (iii) and (iv).

The industry can for five years study the EMC issue. The industry can for five years dialogue over the EMC issue. The industry can waste time on all kinds of clever schemes tangential to the hard research of developing a solution

-- such as posting a website. However CTIA industry members cannot state with honesty that they have delegated serious talent and serious research to engage the EMC issue with their best efforts. Because two consumers in their comments have suggested routes of solution to the EMC problem, (Vickery Comments, and DeVilbiss Comments)

So very obviously compliance is technologically feasible and not at burdensome costs. What is missing is will and "keen desire."

So five years have been long enough. Although I would have hoped otherwise. Unfortunately CTIA members mimic reluctance of some corporations who will not be compliant with what is in the best interests of consumers, society, the economy and the government unless they are regulated by federal mandate.

In conclusion: ---- revocation of the exemption is in the public interest:
-- business, family and government.

With revocation, hearing-impaired persons will not suffer adverse effects. In fact, quite the contrary. And it is unbelievable, if not outrageous to suggest otherwise. Hearing aid users are highly desirous of enjoying all the benefits of digital technology.

When we look at the magnitude of sophisticated developments in today's equipment can anyone with credibility say that EMC technology is too challenging. Interestingly, two consumers with "keen desire" can suggest solutions. We clearly see it is CTIA member's choice not to engage the issue with serious talent -- legal assistance excepted.

CTIA members should be embarrassed by their shortsighted actions.

CTIA members fail to see that development of equipment for use by hearing-aid users effects every segment of society:

- business where the hearing impaired work,
- households with hearing impaired family members,
 - government which will financially support hearing impaired persons unable to earn sufficient income, and not least effected,
 - the hearing aid user who feels stigmatized, if they are unable to grow intellectually, to be self-supporting or to be joyful with family on all occasions.

So five years is long enough! The inactivity of CTIA members points to the solution: The Commission should revoke the statutory exemption from the Hearing Aid Compatibility Act.

Respectfully submitted,

Dorri Majeska
145 East 15 Street
New York, NY 10003

Phone: 212-982-1795

Email: nywea@aol.com